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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2018/2019 SESSION

UYL2612 –CYBERLAW

(All Sections / Groups)

2 MARCH 2019

Reading Time : 9.00 a.m – 9.15 a.m
(15 Minutes)

Answering Time : 9.15 a.m – 12.15 p.m
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Answer **ALL** questions in PART A and **ONE (1)** question in PART B. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are only allowed to bring in **CLEAN AND ORIGINAL COPY** of the following statutes into the exam venue:
 - i. Communications and Multimedia Act 1998
 - ii Computer Crimes Act 1997
 - iii Digital Signatures Act 1997
 - iv Trade Marks Act 1976
 - v. Personal Data Protection Act 2010
 - vi. Electronic Commerce Act 2006
 - vii. Copyright Act 1987

“Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ALL QUESTIONS**QUESTION 1**

- a) Explain the Malaysian legal framework for cyberlaw. Support your answers with relevant sources of law.

(10 marks)

- b) The cyberspace is a world created by mankind by connecting all the massive networks by images, sounds, videos and so many other things. The internet has enhanced connectivity and it has become a necessity in our daily lives. However, the internet could be a dangerous place with several deficiencies.

Discuss the rights of users in their use of information in Electronic Networked Communities.

(15 marks)

(Total: 25 marks)

QUESTION 2

Harry residing in Malaysia sent a telegram intending to divert funds fraudulently from a bank in London to his bank account in Russia.

If Harry successfully transferred the funds, evaluate the legal issue(s) relating to the jurisdiction the crime was committed. Provide with relevant statutory provisions and cases.

(Total: 25 marks)

Continued...

QUESTION 3

Maya owned a cleaning service company which has been operating for 5 years under the name of "Clean-o-Cleaner" and has acquired a great reputation in such service. She intended to expand her business and create a website to advertise her company by registering the domain name as www.ccleaner.com.

A few months later, Maya was shocked as the moment she googled herself by typing "Clean-o-Cleaner", she found out that another website popped out instead of her website with the search result of www.ccleanest.com.

She found out that the said website belong to her former boyfriend, Lan. They broke up two years ago after a heated argument between them. Lan started a business selling air conditioner with the name "Lan-Air" and deliberately registered the said domain name to attract customers to his website instead of Maya's website.

- a) Analyse possible action(s) that can be taken by Maya against Lan.
(15 marks)
- b) Provide a brief case study of *Panavision International LP v Toeppen* 140 F 3D 1316 (9th Circuit, 1998).
(10 marks)

(Total: 25 marks)

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PART B: ANSWER ONE (1) QUESTION ONLY**QUESTION 4**

Momo, a YouTuber with one million fan base, uploaded a video through her YouTube account on 13 June 2018 with a title "*No one seems to mind that Chairperson Zen, THE oil tycoon, is having an affair with someone else wife. Sigh!*" For the whole 5 minutes, she told the audience all the stories that she "hears" from her friend and even some of them are coming from her own deduction. None of the stories can be verified.

- a) Discuss the possible offences she could be committing under the Communications and Multimedia Act 1998.

(15 marks)

- b) Provide a brief case study of *R v Hicklin* [1868] L.R.3 Q.B. 360.

(10 marks)

(Total: 25 marks)

QUESTION 5

Ana is a nurse who work in registry department at Hospital Bahagia. Miri, Ana's childhood friend, asked for her help to retrieve her medical file so that she could pass her health inspection for insurance purpose. Out of love, Ana agreed to do so.

While in the midst of changing shift, Ana gained accessed to a laptop which contains all the patient documents by using one of the doctor's password without his knowledge. She was able to see a file which showed Miri's health condition. She then removed the laptop from the office and later accessed, copied and altered the contents with the assistance of an IT expert.

- a) As legal advisor of Hospital Bahagia, advise your superior for any possible action(s) against Ana. Your answer must be supported by relevant statutory provisions and case law.

(15 marks)

- b) Provide a brief case study of *R v Gold & Schifreen* [1988] 2 All ER 186.

(10 marks)

(Total: 25 marks)

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